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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,621	12/03/2004	Tatsuo Tsuneka	SAE-036	5295

20374 7590 04/01/2008
KUBOVCIK & KUBOVCIK
SUITE 1105
1215 SOUTH CLARK STREET
ARLINGTON, VA 22202

EXAMINER

CHEUNG, WILLIAM K

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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04/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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4-1-08

In re application of	TSUNEKA et al.	chk
Serial no.	10/516, 621	: DECISION
Filed:	December 3, 2004	: ON
For:	AQUEOUS RESIN	: PETITION
	DISPERSION COMPOSITION	:
	AND METHOD FOR PRODUCING	:
	THE SAME	:
		:

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION of November 16, 2007.

On May 22, 2006, applicant filed an RCE and included a declaration under 1.132 containing comparative examples. The examiner issued a final rejection on July 25, 2006. An after final amendment was filed by applicant on . In response, the examiner issued another final rejection on November 8, 2006. Applicant submitted an after final amendment requesting reconsideration. The examiner noted in an advisory action mailed February 22, 2007 that the final rejection was maintained. Applicant filed a pre-appeal request. As a result of the pre-appeal conference, the prosecution was re-opened. On May 30, 2007, the examiner rejected claims 6-11 over new prior art in a non-final rejection. On August 30, 2007, in response to the non-final office action, applicant amended claim 6. The examiner then finally rejected claims 6-11 with the same rejection on November 16, 2007.

MPEP 7.06.07 states:

In making the final rejection, all outstanding grounds of rejection of record should be carefully reviewed, and any such grounds relied on in the final rejection should be reiterated. They must also be clearly developed to such an extent that applicant may readily judge the advisability of an appeal unless a single previous Office action contains a complete statement supporting the rejection.

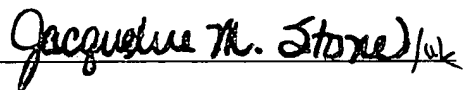
However, where a single previous Office action contains a complete statement of a ground of rejection, the final rejection may refer to such a statement and also should

include a rebuttal of any arguments raised in the applicant's reply.

CONCLUSION

Petitioner urges that the examiner did not respond to the comparative example in the 1.132 declaration submitted on May 22, 2006. In the final office action of July 25, 2006, the examiner at page 4 fully responded to the comparative examples submitted in the declaration. Applicant had requested that the examiner revisit the comparative example in light of the new art presented by the examiner in the office action of May 30, 2007. The examiner did not respond to this request in the final office action of November 16, 2007.

The petition is therefore **GRANTED**.

Handwritten signature of Jacqueline M. Stone in black ink, with a horizontal line drawn through the signature.

Jacqueline M. Stone, Director
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